

REMARKS

Claims 1-7, 9, and 11-26 are currently pending.

I. The Rejections under 35 U.S.C. 102 and 103

Claims 1-4, 6, 10-11, 13 and 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sugino et al. (US 2003/0137732).

Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. (US 2003/0137732) further in view of in view of either Applicant's admitted prior art or Shuichi et al. (JP 7198945).

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. (US 2003/0137732), as applied to claim 1 above, in view of either Okazaki et al. (US 5,945,209) or general knowledge in the art.

Claims 9, 14-16 and 21-23 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. (US 2003/0137732).

Claims 24-26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sugino et al. (US 2003/0137732), as applied above, and further optionally in view of Kanter (US 4,737,410).

Claims 1-4, 6, 9-11 and 13-23 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Higashio et al. (US 2003/0072078 A1) in view of Sugino et al. (US 2003/0137732) further in view of Rogers (US 2,263,249).

Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Higashio et al. (US 2003/0072078 A1), Sugino et al. (US 2003/0137732), and Rogers (US 2,263,249), as

applied to claim 1 above, in view of either Applicant's admitted prior art or Shuichi et al. (JP 7198945).

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Higashio et al. (US 2003/0072078 A1), Sugino et al. (US 2003/0137732) and Rogers (US 2,263,249), as applied to claim 1 above, in view of either Okazaki et al. (US 5,945,209) or general knowledge in the art.

Claims 24-26 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Higashio et al. (US 2003/0072078 A1), Sugino et al. (US 2003/0137732), and Rogers (US 2,263,249), as applied above, and further optionally in view of Kanter (US4,737,410).

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Sugino et al., alone or in view of the secondary references, and that the present invention is not obvious over the disclosures of Higashio et al., Sugino et al., and Rogers, alone or in view of the secondary references, and request that the Examiner reconsider and withdraw these rejections in view of the following remarks.

Applicants arguments filed with the Amendment filed February 1, 2010 are incorporated herein by reference and consideration is requested.

In the Advisory Action, the Examiner states that “[i]t appears the Applicant is arguing as though the aqueous liquid and adhesive must be separate solutions though this is not required by the claim language of the independent claims. ... If the Applicant wishes the aqueous liquid and adhesive of the independent claims to be viewed as separate mixtures added at separate times they need to be explicitly specified in that manner.”

Applicants' method comprises using an aqueous liquid containing an adhesive to form an adhesive layer. And, after forming the adhesive layer, then, adhering using an aqueous liquid which consists of water.

Two separate aqueous liquids are used. The first, an aqueous liquid containing an adhesive. The second, an aqueous liquid which consists of water. Since the second aqueous liquid consists of water (closed claim language), the Examiner's position that the claim language includes applying a mixture of the two aqueous liquids is not possible. A mixture of the two aqueous liquids would not have an aqueous liquid which consists of water.

The two aqueous liquids must also be separate due to the order of the steps. First, an adhesive layer is formed. And, after forming the adhesive layer, then the step of adhering using an aqueous liquid which consists of water is performed. Thus, there are two distinct steps that, clearly, must use the two distinct aqueous liquids at separate times.

The Examiner cites to *In re Dulberg*, 129 USPQ 348, 349 (CCPA 1961) for the proposition that merely making things separable is a matter of obviousness. However, *Dulberg* does not stand for the proposition as stated by the Examiner. *Dulberg* is related to a cap on a lipstick container and holds that whether a cap of the prior art was intended to be manually removable, it would have been obvious to make the cap removable. Therefore, the holding in *Dulberg* relates to the ability of a cover (a cap) to be removable (separable). *Dulberg* also specifically noted that the claims were not method claims. Any "making things separable" in *Dulberg* is the ability of mechanically separating two parts that are together. Like a cap on a lipstick container or a cap on a pen. It is respectfully submitted that the Examiner has taken the

holding of *Dulberg* out of context and that, in fact, *Dulberg* is unrelated to the issues of the instant application.

As for the Examiner's cite to *In re Gibson*, 5 USPQ 230 (CCPA 1930), Applicants respectfully submit that Applicants are not merely combining components to make "a mix" as in *Gibson*. Rather, in the present invention, an aqueous liquid containing an adhesive is used to form an adhesive layer. Then, only after the adhesive layer is formed, a transparent protective film and a polarizer are adhered using an adhering step performed while presenting an aqueous liquid which consists of water. Clearly, the claimed adhering a transparent protective film and a polarizer using an aqueous liquid is not the mere mixing of components due to the prior formation of the adhesive layer.

The Examiner stated that the advantageous effects are not acknowledged since the present invention could not be differentiated from Sugino et al. However, as discussed above, the present invention is clearly differentiated from Sugino et al. In addition, as described in Comparative Example in Table 1 in the original specification, even when the thickness of the adhesive layer is controlled to "30 to 300nm", in a case where the separate steps are carried out as in the present invention, unexpectedly improved appearance and durability are obtained.

Similar arguments to the above may be made for claim 11, where the adhesive layer is formed with an aqueous liquid containing an adhesive and the adhering step is performed with an aqueous liquid consisting of water and a crosslinking agent dissolved therein.

Further, to claim 11, the Examiner has not established any reason why one skilled in the art, in view of the cited art, would add a crosslinking agent to water to be placed on an already coated polymer film. Or to use an aqueous liquid containing a crosslinking agent after the adhesive layer is formed. While a cross-linking agent is normally used with an adhesive, when an aqueous liquid (water) that does not contain an adhesive is used, it is not obvious that a cross-linking agent is used with the aqueous liquid (water).

For the above reasons, it is respectfully submitted that the subject matter of claims 1-7, 9 and 11-26 is neither taught by nor made obvious from the disclosures of the cited art, either alone or in combination, and it is requested that the rejections under 35 U.S.C. §§102 and 103 be reconsidered and withdrawn.

II. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. §102 and the rejections under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No. 10/573,706
Art Unit 1791

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 062287

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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